IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

AUSTIN E. JAMES,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 09-00254-KD-B
)
BALDWIN BONE & JOINT, P.C.,)
et al.,)
)
Defendants.)
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,)))

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B), dated October 6, 2009, is **ADOPTED** as

ORDER

the opinion of this Court. Accordingly, defendants' motions to dismiss are **DENIED.**

DONE this 4th day of November, 2009.

s/ Kristi K. DuBose KRISTI K. DuBOSE UNITED STATES DISTRICT JUDGE